

REMARKS

Claims 1-12 and 15-18 are currently pending in the present application.

Applicants wish to extend their appreciation to Examiner Doerrler for the indication on page 5 of the Official Action that claims 4, 7, 8, 16 and 18 contain allowable subject matter.

The rejections under 35 U.S.C. § 103(a) of: (1) claims 1-3, 5, 6, 10-12 and 17 as being obvious over Grant (U.S. Patent 3,574,695) in view of Michelet (U.S. Patent 3,544,611); and (2) claims 1-3, 5, 6, 9, 10-12, 15 and 17 as being obvious over Grant (U.S. Patent 3,574,695) in view of Miyamoto (U.S. 2001/0041806 and/or U.S. Patent 6,348,613), are respectfully traversed.

Claim 1 recites a process for the partial or complete separation of a mixture comprising hydrogen chloride and phosgene, which comprises: firstly carrying out a partial or complete *condensation of phosgene*; then distillation or stripping in a column to remove the hydrogen chloride from the bottom product phosgene; and subsequently a scrub of the top product hydrogen chloride by a process solvent to absorb the phosgene in the process solvent.

In contrast, Grant describes a process of *condensing only a vaporous reaction solvent* from a gaseous mixture comprising the vaporous reaction solvent, phosgene and hydrogen chloride, and extracting the phosgene from an off-gas obtained from the condenser (See e.g., column 2, lines 62-66, column 4, lines 37-39 and 43-45, column 5, lines 8-13 and 30-35, column 6, Drawing and claim 6). Therefore, Grant fails to disclose or suggest to a skilled artisan a process for the partial or complete separation of a mixture comprising hydrogen chloride and phosgene comprising *firstly* carrying out a partial or complete *condensation of phosgene*, *then distilling* or stripping in a column to remove the hydrogen chloride from the bottom product phosgene, and *subsequently scrubbing* the top product hydrogen chloride by a process solvent to absorb the phosgene in the process solvent as presently claimed.

While Michelet and Miyamoto describe utilizing a distillation column, Michelet and Miyamoto fail to compensate for the previously mentioned deficiencies of Grant. Therefore, a skilled artisan would not arrive at the claimed invention by combining the process described in Grant with the distillation column described in Michelet or Miyamoto.

Withdrawal of these grounds of rejection is respectfully requested.

Applicants acknowledge that references AN (SU 1811161) and AW (Konstantinov) cited on the Information Disclosure Statement submitted June 10, 2005, have not been considered on the alleged ground that a copy of these documents has not been provided. Applicants submit however that a copy of references AN and AW was, in fact, previously submitted to the USPTO, as evidenced by the number of references cited (i.e., 15 references, which includes 13 foreign references and 2 non-patent literature references) on the enclosed date-stamped filing receipt. As a result, Applicants respectfully request that the Examiner acknowledge consideration of all of the cited references, including the *resubmitted* references AN and AW, by providing Applicants with an initialed copy of the PTO-1449 Form submitted June 10, 2005. A clean copy of this PTO-1449 Form is appended herewith for the Examiner's convenience. Although it is believed that no additional fees are required, the USPTO is authorized to charge any additional fees for the papers being filed herewith to deposit account number 15-0030.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

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